



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

**AGENDA**

**Meeting of November 29, 2000**  
1:30 P.M., First Floor Hearing Room  
242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of the October 10, 2000 meeting. (See previous #1)

OLD BUSINESS

None

NEW BUSINESS

2. Lobbyist Late Monthly Report Penalty: (See previous #3)

Lobbyist: Thomas B. Federle, Lobbyist for Multistate Associates, Inc.  
Report Due: October 16, 2000 (Actual due date, 10/15, was a Sunday)  
Received: October 17, 2000 (Mailed 10/16, see letter)  
Penalty: \$100.00

**Recommendation:** Assess \$50.00 penalty (no previous late filings)

3. Maine Code of Fair Campaign Practices Complaints:

- A. (See previous #2)

Mr. Robert B. Coolidge and Dr. R. Davis Hart vs. Representative Edward J. Povich: Mr. Coolidge and Dr. Hart by letter dated October 10, 2000 reported a possible violation of the Code resulting from alleged misrepresentation of Representative Povich's voting record on LD 1268.

**Recommendation:** No further action.

- B. Ms. Clare Hudson Payne vs. Mr. John E. Burke II: Ms. Payne by letter dated October 30, 2000 reported a possible violation of the Code resulting from alleged misrepresentation of Mr. Burke's academic and professional credentials.

**Recommendation:** No further action.

- C. Mr. John E. Burke II vs. Ms. Mary Ellen Ledwin: Mr. Burke by letter dated November 10, 2000 (received November 16, 2000) filed a complaint against Ms. Ledwin for "unacceptable, inappropriate, and highly irregular conduct" in violation of several conditions of the Maine Code of Fair Campaign Practices, as more fully detailed in his letter.

**Recommendation:** No further action.

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T-51  
#74

T-51  
#277

#900  
Motion

**AGENDA -- Meeting of November 29, 2000****4. Campaign Finance Reporting Law Violations:****A. (See previous #5)**

Applicable Law: Exceeding contribution limits.

Facts: Senator Betty Lou Mitchell accepted five (5) contributions that (combined with previous contributions from the same sources) exceeded the permissible contribution limit of \$250 per candidate per election from the same source by an amount totaling \$850.00 (see letter dated October 6, 2000).

**Recommendation:** No further action, since excess contributions have been returned and based on previous Commission actions. Admonish against future violations.

**B. Applicable Law: Exceeding contribution limits.**

Facts: Mr. Willard M. Kelley, Jr. By letter dated October 23, 2000, reported having erroneously accepted and returned an excess contribution in the amount of \$250 from the same source in the same election. The excess amount had been deposited in his campaign account, but repaid within approximately one (1) week thereafter upon discovery of the excess.

**Recommendation:** No further action, since excess contributions were returned immediately upon discovery and based on previous Commission actions. Admonish against future violations.

**C. Applicable Law: Violation of attribution, authorization, and reporting requirements.**

Facts: Thomas J. Harder vs. Alton E. Morgan: By letter dated October 29, 2000, Mr. Harder filed a complaint alleging violations by Mr. Morgan of the attribution, authorization, and reporting requirements of the Campaign Finance Laws.

**Recommendation:** No further action. Admonish against future failures to include appropriate attribution and failure to report independent expenditures.

**D. Applicable Law: Failure to report expenditures**

Facts: Mr. Bruce Gerry vs. Ms. Deborah Simpson: By letter dated November 1, 2000, Mr. Gerry questioned the completeness of the expenditures reported by Ms. Simpson for the printing and mailing of campaign literature and the conduct of polling for campaign purposes.

**Recommendation:** No further action.

**E. Applicable Law: Failure to report expenditures**

Facts: Hon. Elizabeth Watson vs. Ms. Gabrielle J. Carbonneau: By letter dated November 2, 2000, Representative Watson filed a request for the Commission to examine the alleged failure by Ms. Carbonneau to report expenditures made during the filing period report due on November 1, 2000.

**Recommendation:** No further action.

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- T1-51  
#1684*
- F. Applicable Law: Failure to report expenditures  
 Facts: Hon. Mike McAlevey vs. Mr. Donald H. Gean: By letter dated November 3, 2000, Representative McAlevey filed a request for the Commission to verify the accuracy of expenditures reported by Mr. Gean to determine their accuracy.  
**Recommendation:** No further action.
- G. Applicable Law: Violation of contribution limits and attribution provisions  
 Facts: Maine Republican State Committee vs. Maine Democratic Party and Mr. Donald H. Gean: By undated letter received October 31, 2000, Dwayne Bickford, Executive Director, on behalf of the Maine Republican State Committee, filed a complaint requesting a determination regarding the legality of the expenditures listed on the Independent Expenditures Report dated October 27, 2000, and filed by the Maine Democratic State Committee on October 30, 2000 in support of Senate candidate Donald H. Gean. The complaint alleges both a violation of the contribution limitations provisions of Section 1015 and a violation of the attribution provisions of Section 1014.  
**Recommendation:** No further action.
- T1-51  
#16079*
- H. Applicable Law: Failure to report in-kind contributions/expenditures  
 Facts: Mr. Daniel Billings and Ms. Pat Dutille vs. Sagadahoc County Democratic Committee and Ms. Deborah J. Hutton: By letter dated November 5, 2000, and telefax received November 5, 2000, Mr. Billings and Ms. Dutille, respectively, filed complaints with the Commission questioning the legality of a letter sent by Representative David Shiah as a coordinated contribution to the Hutton campaign paid for by the Sagadahoc County Democratic Committee.  
**Recommendation:** No further action.
- T1-51  
#1684*
- I. Applicable Law: Failure to properly attribute, note authorization and report in-kind contribution/expenditure  
 Facts: Mr. Thomas Brown vs. House Democratic Campaign Committee: By letter dated November 7, 2000, Mr. Thomas Brown questioned the adequacy of the authorization and attribution statements on campaign literature paid for and authorized by the House Democratic Campaign Committee in House District 27, as well as the reporting of such advertisement expenditure as an in-kind expenditure by Mr. Alton Morgan.  
**Recommendation:** No further action.
- T3-51  
#140*
- J. Applicable Law: Failure to properly attribute, note authorization and report in-kind contribution/expenditure  
 Facts: Mr. Thomas Brown vs. Mr. Alton Morgan and Ms. Lynn Bromley: By letter dated November 7, 2000, Mr. Brown questioned the adequacy of the authorization and attribution statements on separate campaign literature paid for and authorized by the Committee to Elect Al Morgan and Lynn Bromley for State Senate.  
**Recommendation:** No further action.

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- 13-83  
#368
- K. **Applicable Law:** Accuracy of report information  
**Facts:** Ruth McCleery Watson vs. Ms. Lynn Bromley: By e-mail dated November 5, 2000, Ms. Watson questioned the source of an additional \$7,000 that her opponent, Ms. Bromley, could have spent on the purchase of radio time with the Portland Radio Group, which expenditure was subsequently canceled.  
**Recommendation:** Table pending additional information.

5. Maine Clean Election Act -- General (See previous #4):

- Alleged Violation:** Acceptance of "contributions" other than from Maine Clean Election Fund  
**Facts:** Mr. William J. Donovan reported personal loans to his campaign on June 6 and 8, 2000 totaling \$196.18 that were repaid on June 21, 2000 from his general election distribution. Mr. Donovan's letter of October 26, 2000 explains the circumstances that prompted those loans. Mr. Donovan was unopposed in the primary election and knew he would receive a distribution for the general election. His campaign received no increase in spending capability from the "advance" of funds. The loans were made to alleviate a cash flow situation.  
**Recommendation:** Assess no monetary penalty. Admonish against future violations and issue policy statement regarding future, similar occurrences.

6. Maine Clean Election Act -- Independent Expenditure Complaints:

A. (See previous #6)

- Maine Democratic Party vs. Maine State Employees Association - PAGE: By letter dated October 30, 2000, Kurt W. Adams, Esq., on behalf of the Maine Democratic Party, filed a complaint and request for relief challenging the payment of matching funds to two (2) Maine Clean Election Act candidates as a result of independent expenditures reported to the Commission by the Maine State Employees Association - PAGE in support of two (2) Maine Clean Election Act Candidates. The issue before the Commission is whether the communications that were reported as independent expenditures constituted "express advocacy" communications that were required to have been reported and that resulted in the release of "matching funds" to opposing candidates.  
**Recommendation:** To be determined based upon advice of Commission Counsel and factual determination by Commission Members.

- B. Ms. Ruth McCleery Watson vs. Senate 21 PAC: By letter dated November 3, 2000, Ms. Watson filed a complaint against the Senate 21 PAC questioning whether certain campaign communications should have been reported as independent expenditures in support of Ms. Lynn Bromley, Ms. Watson's opponent, that may have triggered the release of matching funds for Ms. Watson.  
**Recommendation:** To be determined based upon advice of Commission Counsel and factual determination by Commission Members.

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- C. Ms. Beth Edmonds vs. Maine Unlimited PAC: By telefax of November 4, 2000 and letter dated November 6, 2000, Ms. Beth Edmonds, State Senate Candidate for District 23, filed a complaint questioning whether two (2) communications mailed within her district that were paid for and authorized by Maine Unlimited PAC should have been reported as independent expenditures in support of her opponent, Mr. David Snow, that may have triggered matching funds for Ms. Edmonds' campaign.

**Recommendation:** To be determined based upon advice of Commission Counsel and factual determination by Commission Members.

- 12-51  
#22457  
D. House Democratic Campaign Committee vs. Committee to Reelect Stavros J. Mendros: By memorandum received November 5, 2000, Mr. Ian Catlett, on behalf of the House Democratic Campaign Committee, filed a formal complaint against Representative Mendros for the failure by the Committee to Reelect Stavros J. Mendros to report independent expenditures it had made that may have triggered the release of matching funds to the benefit of Representative Lillian O'Brien.

**Recommendation:** To be determined based upon advice of Commission Counsel and factual determination by Commission Members.

- E. Ms. Sandra S. Choate vs. House Democratic Campaign Committee: By letter dated November 1, 2000, Ms. Choate filed a complaint against the House Democratic Campaign Committee questioning the nature of the expenditure by the Committee in support of Representative Elizabeth Watson and whether that expenditure constituted an in-kind contribution to Representative Watson's campaign or should have been reported as an independent expenditure that may have triggered matching funds for her opponent.
- Recommendation:** To be determined based upon advice of Commission Counsel and factual determination by Commission Members.

7. Informational Items:

A. **(See previous #7)**

Letter from Ms. Patricia A. Callahan to Ms. Cornelia Brown, Superintendent of Schools, Augusta School Department dated October 25, 2000 regarding inclusion of political advertisement paid for by a political action committee with paycheck. No Commission jurisdiction or apparent violation of State law.

- B. Commission Counsel Phyllis Gardiner, Assistant Attorney General, memorandum dated November 7, 2000, regarding "Quorum requirements."
8. Other: As allowed.
9. Executive Session: If appropriate.

ADJOURNMENT